IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 2433 of 2007(M)

PETITIONER:

R. SUBRAMONIAN, S/O. MARY,
AGED 45 YEARS, U.D.CLERK, KANDANISSERY GRAMA PANCHAYATH, THRISSUR (RESIDING AT VIII/1093-C, KADAVALLUR PANCHAYATH QUARTERS, KARIKKAD P.O., THRISSUR-680 519.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:
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1. KADAVALLOOR GRAMA PANCHAYATH, KADAVALLOOR P.O., THRISSUR, REPRESENTED BY ITS SECRETARY.

2. THE DIRECTOR OF PANCHAYATH, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.DEEPU THANKAN
R2 BY GOVT. PLEADER SHRI.P.NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.2433 of 2007.

Petitioner's Exhibits:-

P1: Copy of the Government circular dtd.31-5-1980.

P2: Copy of the order of the 2nd respondent dtd.20-9-2002.

P3: Copy of the Transfer cum promotion order dtd.19-12-2006 issued by the 2nd respondent.

P4: Copy of the request submitted by the petitioner dtd.26-12-2006 to the 2nd respondent.

P5: Copy of the request submitted by the petitioner to the 1st respondent on 15-10-2006.

P6: Copy of the request dtd.13-11-2006 submitted by the petitioner to the 1st respondent.

P7: Copy of the order of the 1st respondent dtd.10-1-2007 issued to the petitioner.

P8: Copy of the receipt dtd.15-11-2006 showing the payment of rent.

Respondents' Exhibits:- Nil.

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P.A. To Judge.

kvs/-

K.K.DENESAN, J.

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WP(C).No.2433 OF 2007-M.

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Dated this the 16th day of March, 2007.

J U D G M E N T

The petitioner was directed to occupy the quarters based on the fact that he was an employee of the 1st respondent Panchayat. As per Ext.P3 order passed by the Director of Panchayats, he has been relieved from the post which he held in the 1st respondent Panchayat. In the normal course, he is liable to vacate the quarters within the period prescribed in the rules. However, the petitioner wanted to continue to occupy the quarters on the ground that he has not shifted his family from the quarters expecting cancellation of the transfer order.

2. When the matter came up for consideration on 22-1-2007, this Court passed an order directing the respondents to permit the petitioner to occupy the quarters until he stands relieved from the office of the 1st respondent.

3. Counsel for the 1st respondent submits that the petitioner has already been relieved from the post

which he held in the service of the 1st respondent and that he is now working in another Panchayat. In the above circumstances, the petitioner has no manner of right to say that he should be permitted to occupy the quarters within the territorial limits of the 1st respondent Panchayat. The petitioner has to apply for quarters available within the territorial limits of the panchayat where he has been posted, contends the counsel.

4. It is the contention of the petitioner that he should have been posted in one of the places pointed out in Ext.P4 representation pending with the 2nd respondent. Petitioner's transfer took place pursuant to Ext.P3 order of the 2nd respondent on 19-12-2006. The petitioner submits that he belongs to a schedule caste community and had contracted an inter-caste marriage and hence eligible to get a posting in the place of his choice. He has pointed out certain places in Ext.P4.

5. I have no hesitation to hold that the petitioner has no right to occupy the quarters of the

respondent panchayat and that the impugned action of the panchayat does not call for any interference. The 2nd respondent shall consider Ext.P4 and pass appropriate orders at the time of general transfers and postings. If general transfers and postings get delayed, Ext.P4 shall be disposed of within two months from the date of receipt of a copy of this judgment.

Subject to the above observations, this writ petition is dismissed.

K.K.DENESAN, JUDGE.

kvs/-